

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SST FOUNDATION, :

Plaintiff, : **NOTICE OF MOTION**
-against- :
CREDIT SUISSE, SUISSE AMERICAN SECURITIES, :
INC., and NEW YORK STATE DEPARTMENT OF :
TAXATION, :

Defendants. :
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PLEASE TAKE NOTICE that upon the the accompanying memorandum of law; and upon all prior proceedings, defendant New York State Department of Taxation and Finance, on August 2, 2007, at 9:30 a.m, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, or at such time and place as the Court may appoint, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing the complaint as against the New York State Department of Taxation and Finance because such claim is barred by the Eleventh Amendment, U.S. Const. Amend. XI.

Dated: New York, New York
July 2, 2007

ANDREW M. CUOMO
Attorney General of the State
of New York
Attorney for Defendant
New York State Department of Taxation and Finance

By: _____ /s/ Elizabeth A. Forman /s/ _____

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